

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SCOT EVANS,

Plaintiff,

Case No. 11-14302

v.

Hon. John Corbett O'Meara

NATIR, LLC, *et al.*,

Defendants.

**ORDER GRANTING MOTION
FOR A FINDING OF CONTEMPT**

Before the court is Plaintiff's motion for contempt against Defendant Darnell Fuqua, filed May 14, 2013. Defendant filed a response on May 24, 2013. Upon review, the court finds that oral argument is not necessary.

Plaintiff obtained a judgment in the amount of \$1,400,000 against Darnell Fuqua on July 9, 2012. Fuqua has not paid the judgment. On May 3, 2013, Plaintiff personally served Fuqua with a subpoena for a creditor's examination to be held on May 9, 2013. Fuqua failed to attend the deposition. Fuqua did not object to the subpoena or otherwise contact Plaintiff's counsel.

Plaintiff requests a finding of contempt and a bench warrant to be issued for Fuqua. Fuqua responds that he was not served with the subpoena. However,

Plaintiff filed a proof of service showing that personal service was made.

Plaintiff wants Fuqua to be “held by federal authorities at an appropriate facility until such time as the examination is concluded.” At this time, the court is not persuaded that such action is necessary to secure Defendant’s compliance.

However, the court ORDERS as follows: (1) Fuqua is in contempt; (2) he has until September 13, 2013, to comply with subpoena, including all document requests; (3) should Fuqua comply by September 13, 2013, the finding of contempt will be purged; (4) if he does not comply, a bench warrant will be issued; and (5) Fuqua shall pay Plaintiff’s fees and costs incurred in bringing this motion, provided that Plaintiff submits a supporting invoice and affidavit within ten days.

SO ORDERED.

s/John Corbett O’Meara
United States District Judge

Date: August 28, 2013

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, August 28, 2013, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager